

ABELMAN, FRAYNE & SCHWAB

Lawrence E. Abelman (LA 6486)

Anthony A. Coppola (AC 3548)

John H. Choi (JC 1286)

666 Third Avenue

New York, New York 10017

(212) 949-9022

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

| | |
|---|---|
| _____ | X |
| STAR MARK MANAGEMENT, INC., a | : |
| New York corporation; GREAT MARK | : |
| CORPORATION, a New York corporation; | : |
| and JIMMY ZHAN a/k/a YI Q. ZHAN, | : |
| individually and on behalf of Star Mark | : |
| Management, Inc. and Great Mark | : |
| Corporation, | : |
| | : |
| Plaintiffs, | : |
| | : |
| -against- | : |
| | : |
| | : |
| KOON CHUN HING KEE SOY & SAUCE | : |
| FACTORY, LTD., a company organized | : |
| under the laws of Hong Kong, | : |
| | : |
| Defendant. | : |
| _____ | X |

07 Civ. 3208 (JFB)(SMG)

**DECLARATION OF RAYMOND CHAN IN SUPPORT OF
DEFENDANT'S MOTION FOR SANCTIONS AGAINST PLAINTIFFS
PURSUANT TO FED. R. CIV. P. 11(c)**

I, Raymond Chan, declare and say:

1. I am employed by defendant in this matter, Koon Chun Hing Kee Soy & Sauce Factory, Ltd. ("Koon Chun"), as the Regional Manager - Americas.

2. I submit this declaration in support of defendant's Motion For Sanctions Against Plaintiffs Pursuant to Fed. R. Civ. P. 11(c).

3. The purpose of this declaration is to provide the Court with the true picture of a five-pound can of Koon Chun hoisin sauce.

4. Annexed as Exhibit 1 are true and correct copies of photographs of a five pound can of Koon Chun's Hoisin sauce, showing the four sides of the can, taken after a clock-wise rotation of 90 degrees to the can between each picture.

5. I personally took those pictures.

6. I personally obtained the can from the Koon Chun factory.

7. To my personal knowledge, the same type of can of Koon Chun hoisin sauce are being sold by third-party distributors and retailers in the United States, including the New York area.

8. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 22, 2008
Oakland, California



RAYMOND CHAN

EXHIBIT 1







